

**TROOPER FOUNDATION  
STATE OF NEW YORK, INC.**

*Helping Our State Troopers To Help You.*



December 12, 2003

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Support for the Consensus Plan for 800MHz Realignment  
*Ex Parte*, WT Docket No. 02-55

Dear Ms. Dortch:

You are no doubt aware that the New York State Police operates an 800 MHz trunked radio system providing critical public safety communications for public safety personnel. As a major supporter of the New York State Police, we in the NYS Trooper Foundation are following the Consensus Plan for 800 MHz realignment with keen interest.

First responders across New York State, like the State Troopers, are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. We recognize that this problem is, in fact, nationwide in scope. As cellular phone usage increases, the risk of garbled or blocked police, fire, and other public safety communications will necessarily increase, too. First responders also need more 800 MHz spectrum to have "interoperable" communications among police and firefighters and among neighboring jurisdictions.

The Federal Communications Commission has before it a "Consensus Plan" that would address cellular/public safety radio interference problems and provide more of the spectrum that First Responders desperately need for radio communications. We understand that the plan is supported by many groups, including the New York State Police, the International Association of Chiefs of Police, and the International Association of Fire Chiefs. The New York State Trooper Foundation is proud to indicate its support for the plan as well, particularly because it is in the best interest of the New York State Police. Therefore, we respectfully yet strongly recommend that the FCC should adopt the Consensus Plan in its public safety spectrum rulemaking, WT Docket No. 02-55.

We concur that the Consensus Plan offers the only real, near-term solution to existing public safety radio problems. The Plan provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provide private funding to compensate licensees who may need to relocate to new channels as a result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps called for in the Plan.

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Other proposals submitted to the FCC regarding this issue fall far short and must be rejected. The UTC/cellular "plan", for example, ignores the problems faced by public safety communications personnel and suggests that case-by-case, after-the-fact solutions could be found once interference manifests itself. I'm sure you can appreciate that responding after the fact to the problem is not acceptable when we are talking about time-critical public safety services. A single interference incident could jeopardize the lives of emergency personnel, like our Troopers, and the very citizens they serve.

As you know, Section 1 of the Communications Act of 1934 provides that the FCC is to "promote safety of life and property through the use of wire and radio communication." We agree with the New York State Police that the Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan, like the NYSP, have recently addressed the remaining implementation details associated with the Plan.

Therefore, we urge the FCC to resolve the issues facing the public safety community expeditiously and adopt in full the terms of the Consensus Plan. Thank you.

Sincerely,



William C. Trigg, III, Ph.D.  
President

C: Honorable Michael McNulty, U.S. House of Representatives  
Honorable Hillary Clinton, U.S. Senate  
Honorable Charles Schumer, U.S. Senate